

12 DECEMBER 1946

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1 Thursday, 12 December, 1946 •

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3
4 INTERNATIONAL MILITARY TRIBUNAL
5 FOR THE FAR EAST
6 Court House of the Tribunal
7 War Ministry Building
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,
10 at 0930.

11 - - -

12 Appearances:

13 For the Tribunal, same as before with
14 the exception of: HONORABLE JUSTICE D. JARANILLA,
15 Member from the Republic of the Philippines, not
16 sitting.

17 For the Prosecution Section, same as before.

18 For the Defense Section, same as before.

19 The Accused:

20 All present except OKAWA, Shumei, who is
21 represented by his counsel.

22 - - -

23 (English to Japanese and Japanese
24 to English interpretation was made by the
25 Language Section, IMTFE.)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: This Tribunal will observe
4 the provisions for holidays at Christmas and New
5 Years made by the Supreme Commander.

6
7 DONALD F. INGLE, called as a witness on
8 behalf of the prosecution, resumed the stand and
9 testified as follows:

10 MR. SHIMANOCHI: I am Counsel SHIMANOCHI.

11 CROSS-EXAMINATION (Continued)

12 BY MR. SHIMANOCHI:

13 Q Was it during the night or was it during the
14 day that bombs fell on the field hospital at Bataan?

15 A It was during the day.

16 Q About what time?

17 A About 10 o'clock in the morning.

18 Q Was it fair or cloudy?

19 A It was very clear.

20 Q You said that bombs fell soon after you
21 arrived at the field hospital. At the time were you
22 inside the hospital or outside?

23 A I was outside.

24 Q Did you immediately go somewhere else?

25 A About, I would say, forty-five minutes later.

INGLE

CROSS

1 Q How were you transported?

2 A I walked.

3 Q How did you know that the roof of this hospital
4 had the insignia of the Red Cross?

5 A Parts of the roofs were visible from the
6 ground. They were very low buildings.

7 Q Were there any military installations near
8 this hospital?

9 A I don't know.

10 Q Were there any important traffic junctions
11 such as railway bridges or railway stations?

12 A No.

13 Q Was not the American military school which
14 you attended a military installation? Was not USAFFE
15 which you attended right after being discharged from
16 the hospital a military installation? You said that
17 after the hospital was bombed you went, you were sent
18 to an American military school. Was that not a military
19 installation?

20 A I said nothing about a school.

21 Q How far did you walk?

22 A The Number 1 hospital was about 167 and
23 a half, I believe, kilometer post. USAFFE headquarters
24 was at 165.

25 Q You walked that distance, didn't you?

INGLE

CROSS

1 A Yes.

2 Q Was the Japanese who woke you when you were
3 lying under the branches of a tree an officer or an
4 enlisted man?

5 A At that time I didn't know how to differentiate
6 ranks in the Japanese military.

7 Q Did he have a rifle or a saber?

8 A He had a rifle.

9 Q Did this soldier speak English?

10 A He said "hello."

11 Q Did he speak any other words?

12 A No.

13 Q Then were you able to get across to him what
14 kind of sickness you were suffering from?

15
16 A I didn't try to tell him I was sick.

17 Q You said that during the death march Chaplain
18 Day was wounded by a bayonet. How seriously was he
19 wounded?

20 A I am not a physician but the wound was of
21 such depth and of serious enough extent that it took
22 the aid of myself and friends to assist him that he
23 might continue the march.

24 Q How did you -- in what manner did you help
25 him to walk?

INGLE

CROSS

1 THE PRESIDENT: There is no need to answer
2 that question which is utterly foolish.

3 Q How many days did you help him?

4 A That happened on the third or fourth day.
5 We assisted him from then on until the ninth day
6 which was the termination of our hike.

7 Q Did your sickness become worse during this
8 march?

9 A I seemed to have sweated out a portion of
10 the malaria and temporarily I felt somewhat better.

11 Q What route did this death march take?

12 A I am not too familiar with the routes in the
13 Philippines but I know that we passed up through the
14 Pampanga Province and boarded the train at San Fernando,
15 Pampanga.

16 Q Was this a mountain path or a wide road?

17 A A portion of it was through the jungle. The
18 rest of it was through rice fields.

19 Q Was there not the possibility then that when
20 the captives broke ranks to drink water that they would
21 escape and it would be difficult for them to be found?

22 A In the area of the mountains where the roads
23 were there were no artesian wells, and through the
24 rice paddies and the belt where the sugar cane fields
25 were in existence there was no vegetation close enough

INGLE

CROSS

1 to the road to offer any possible cover for escaping
2 soldiers.

3 Q Did freight carts and water carrying carts
4 pass on that road?

5 A I don't recall.

6 Q Did the Japanese Army have some means of
7 distributing water?

8 A There was quite heavy traffic on the road
9 and even the water that was available in the village
10 was, well, off limits to the marching men.

11 Q What was the situation of the American Army
12 in Bataan in regard to food before the surrender?

13 A I wasn't with the quartermaster. I am not
14 familiar with that.

15 Q The commander of the American troops in the
16 Bataan area said that before the surrender provisions
17 were one-fourth of the usual rations. Is that so?

18 THE PRESIDENT: You are attempting to give
19 evidence now. You know he isn't aware of the position.
20 As he told you, he wasn't with the quartermaster.

21 MR. SHIMANOCHI: I am just asking him
22 whether the food rationed out to him was less or not.

23 A We were on a fighter's rations, two meals
24 per day.

25 Q Did the Japanese troops march with the

INGLES

CROSS

1 captives also?

2 A They changed guards about three times per day.

3 Q When they rested what kind of place did they
4 rest in?

5 A Invariably in the open in a rice paddy.

6 Q Did the Japanese soldiers rest there also?

7 A Yes.

8 Q Where did the Japanese troops drink water?

9 A Whenever they felt like it.

10 Q Did they drink from streams?

11 A On many occasions they took canteens from the
12 marching men if they had water in them. If they didn't
13 have water in them they would throw the canteen to the
14 roadside.

15 THE PRESIDENT: Answer the question, witness.
16 Did the Japanese soldiers drink from streams on the
17 way?

18 THE WITNESS: No.

19 Q You have testified that one hundred men were
20 packed in one freight car. Is it not true that the
21 railroads were damaged by the war and that there wasn't
22 enough carriages to transport the men?

23 A I am not familiar with the railroad situ-
24 ation due to war damages.

25 THE PRESIDENT: How broad and how long were

INGLES

CROSS

1 the cars in feet?

2 THE WITNESS: I would estimate about forty
3 feet.

4 THE PRESIDENT: How broad?

5 THE WITNESS: Not more than eight feet.

6 BY MR. SHIMANOUCI (Continuing)

7 Q Returning to the place where you went after
8 being bombed at the hospital, was that a large billet
9 for officers?

10 A It was no billet. It was just a jungle
11 bivouac.

12 Q I am talking about the place where you went
13 after being bombed out of the hospital. I thought
14 you said that it was an officers' billet.

15 A I said nothing of the kind. It is not an
16 officers' billet.

17 Q Then what was it?

18 A It was an officers' or a headquarters bivouac.

19 Q How far was it from the hospital.

20 A I think -- I am sure the hospital was about
21 167 and possibly half kilometer post and USAFFE head-
22 quarters was 165.

23 MR. SHIMANOUCI: I conclude my cross-examin-
24 ation.

25 THE PRESIDENT: Mr. Levin.

INGLES

CROSS

CROSS-EXAMINATION (Continued)

BY MR. LEVIN:

Q What was the entire distance of your hike,
as you call it?

A I started at 165 kilometer post and ended
at SanFernando.

THE PRESIDENT: How far was it? Just say.
Have you ever worked it out?

MR. LEVIN: The President asked you have you
ever worked it out?

THE PRESIDENT: How many miles or kilometers?

THE WITNESS: It is about 100 kilometers.

Q Did you enter the Army directly from school?

A No.

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1 Q What schooling have you had?

2 THE PRESIDENT: He need not tell us. He
3 is one of the brightest witnesses we have listened to.

4 MR. LEVIN: I agree with the Court. The
5 reason for my question was the fact that his back-
6 ground of education might make some difference in
7 his ability to testify.

8 THE PRESIDENT: It does. It makes his
9 ability considerable.

10 Counsel SOMIYA?

11 MR. SOMIYA: Yes.

12 CROSS-EXAMINATION (Continued)

13 BY MR. SOMIYA:

14 Q Were there any prisoners who succeeded in
15 escaping while you were at Nicholes Airfield?

16 A One.

17 Q Were there any who succeeded once, but were
18 taken again later?

19 A I don't know of any others that tried to
20 escape.

21 Q Were there any Japanese guards -- Japanese
22 soldiers, guards, or otherwise, who showed any kind-
23 ness to the prisoners?

24 A At Nicholes Field, do you mean?

25 Q Yes.

INGLE

CROSS

1 THE PRESIDENT: It is immaterial, but he
2 may answer. It is even irrelevant, but I will take
3 the liberty of letting him answer.

4 A Yes, there was one.

5 Q What kind of kindness did he show you --
6 did he show the prisoners?

7 A He went to sleep on a couple of occasions,
8 and we did not get our quota as far as actual count
9 was concerned. We padded the books.

10 Q Next, I shall ask you about the Bataan
11 front -- war front. Did you ever hear or see any-
12 thing to the effect that Philippine troops -- that
13 the food situation in regard to Philippine troops
14 was very bad compared to that of American troops?

15 A No, my job was radio operation, and I stuck
16 strictly to that.

17 Q Then, did you ever hear or see anything
18 to the effect that the situation of the Japanese
19 troops in the front line in regard to food was very
20 bad?

21 A No.

22 MR. LOPEZ: Objection, your Honor.

23 Q Then, did you ever hear or see anything
24 to the effect that the situation of the Japanese
25 troops in regard to health was also very bad and

INGLE

CROSS

1 that there were hardly any Japanese soldiers who
2 were fit --

3 MR. LOPEZ: Objection, your Honor.

4 Q (Continuing): In a fit condition?

5 THE PRESIDENT: He may answer.

6 A Prior or after the capitulation?

7 Q Before, that is to say, at the time of
8 the capitulation.

9 THE PRESIDENT: While you were in contact
10 with them as a prisoner.

11 A While the conflict was still raging, I
12 wasn't interested in the personal life of the Japanese
13 soldiers; and after the surrender all those that
14 I came in contact with seemed to be very healthy.

15 MR. SOMIYA: Thank you.

16 MR. LEVIN: Mr. President, there will be
17 no further cross-examination of this witness.

18 THE PRESIDENT: Mr. Lopez.

19 MR. LOPEZ: May I please ask just a few
20 questions for redirect?

21 THE PRESIDENT: What is in doubt?

22 REDIRECT EXAMINATION
23

24 BY MR. LOPEZ:

25 Q How many Japanese guards were there at
Nicholes Field?

INGLE

REDIRECT

1 A Counting the camp staff and the guards
2 that went to and from the project, as well as the
3 track bosses, there were about thirty, I would say.

4 THE PRESIDENT: That is not re-examination.

5 MR. LOPEZ: That was covered.

6 Q You mean to say that only one out of the
7 thirty ever showed kindness to you?

8 A Precisely.

9 Q That one Japanese guard was ever kind to
10 you. Did he show that kindness in the presence
11 of his companions?

12 A Well, he was caught once asleep, and as
13 a result the "Wolf" or IKOTA-SAN beat him so severely
14 that he was almost laid up for two or three days.

15 MR. LOPEZ: That is all, your Honor.

16 We offer as our next witness --

17 THE PRESIDENT: Well, we will release this
18 witness on our usual terms.

19 (Whereupon, the witness was
20 excused.)

21 MR. LOPEZ: We offer as our next witness,
22 Lieutenant Colonel F. M. Fliniau, to testify on
23 tortures, mistreatment, and improper conditions to
24 which prisoners of war were subjected to at Iloilo.
25

FLINIAU

DIRECT

1 F. M. FLINIAU, called as a witness on
2 behalf of the prosecution, being first duly
3 sworn, testified as follows:

DIRECT EXAMINATION

5 BY MR. LOPEZ:

6 Q Please give us your name, rank, serial
7 number and home address?

8 A Franklin M. Fliniau, age 37, home address,
9 6924 Van Nuys Boulevard, Van Nuys, California.

10 Q On 27 May 1942, were you with the United
11 States Army that surrendered at Iloilo in Panay
12 Island, Central Philippines?

13 A Yes, I surrendered with the Sixty-First
14 Division on the island of Panai at Iloilo City.

15 Q What happened during the surrender?

16 A We surrendered at the small barrio of Misi.

17 Q How many Americans were in your outfit and
18 how many Filipinos?

19 A There were thirty-two American officers
20 and enlisted men and approximately seven hundred
21 Filipino officers and enlisted men.

22 Q On the next day of the surrender, Colonel,
23 what did the Japanese do to you and three other
24 American officers and sixty Filipinos?

25 THE PRESIDENT: Mr. Lopez, please don't lead.

FLINIAU

DIRECT

1 You are only reducing the value of the testimony
2 and there is no need to lead and you have no per-
3 mission to do so.

4 MR. LOPEZ: If your Honor please, I am
5 not reading. I am just glancing at my notes.

6 THE PRESIDENT: Well, you are still leading.
7 I do not know what is prompting you to do it, but
8 you are leading.

9 MR. LOPEZ: Leading, -- oh, I thought
10 you said I was reading.

11 THE PRESIDENT: I said "leading", not
12 "reading."

13 MR. LOPEZ: Oh, I am sorry. I beg your
14 pardon, your Honor.

15 THE PRESIDENT: I know you are acting in
16 all good faith, Mr. Lopez, but do not lead, please.

17 A On the following day after the surrender,
18 I was forced by a direct order to take three other
19 American officers and a group of Filipino officers
20 and enlisted men -- to take them back into the hills
21 of Panay and show where we had hidden and where we
22 had stored our food, our ammunition dumps, gasoline,
23 and so forth. I led the Japanese, which consisted
24 of two or three Japanese officers and approximately
25 thirty Japanese enlisted men. I took them back

FLINIAU

DIRECT

1 into the hills, but within my own mind I was not
2 going to show them, or was not going to lead them
3 to the dumps. I led them in circles throughout
4 the hills, the valleys and the mountains of Panay.
5 Throughout the trip the Japanese officer continually
6 told me that we would not eat or drink until we
7 showed them where our food was stored.

8 Q How long did it take you to make the trip
9 back and forth?

10 A It took six complete days for the round
11 trip.

12 Q During the trip, did the Japanese make
13 good their threat that you would not be given any
14 food or water unless you showed them the hideouts
15 of your food and ammunition dump?

16 MR. LEVIN: I submit, Mr. President, that
17 the question is leading.

18 THE PRESIDENT: It is both leading and
19 redundant. He has already answered, if I understand
20 rightly.

21 I suggest you pay more attention to what the
22 witness is saying and less to your notes, Mr. Lopez.
23 I think they are misleading you.

24 Q During the six days, were you able to get
25 any food or water?

FLINIAU

DIRECT

1 A We were given no food or water as a ration
2 from the Japanese in charge of us. However, the
3 food which we received was food which was left in
4 the mess kits of the Japanese soldiers.

5 Q What quantity or amount, more or less?

6 A I would say that the food that we received
7 was approximately one hundred and fifty grams of
8 rice per day.

9 Q How about the water?

10 A The water that we had was water which we
11 found in puddles along the road or in carabao
12 wallows.

13 Q How many miles a day were you averaging
14 then?

15 A We were averaging approximately twenty-five
16 miles per day.

17 Q How many Japanese guards did you have at
18 the time?

19 A We had approximately thirty Japanese guards.

20 Q What kind of food did the guards have?

21 A The guards were eating very well. They
22 had their field ration, and, in addition, they had
23 bulk rice, dried fish, pickled plums, and other
24 things which I do not know the name of.

25 Q After the trip was over, Colonel, where were

FLINIAU

DIRECT

1 you concentrated?

2 A After we completed the trip, we then
3 returned back to the Calinog Provincial Building
4 where we started, and found that the officers which
5 we left there had been transferred to the Iloilo
6 Provincial Jail. We were then loaded into trucks
7 and were immediately taken to the Iloilo Provincial
8 Jail.

9 Q How long did you stay in that jail?

10 A We stayed in the jail for approximately
11 forty-four days.

12 Q Could you tell the Court how you were
13 treated there during your confinement?

14 A The treatment in the jail was very severe.
15 In the first place, our ration, which consisted of
16 only rice and worms, and occasionally, approximately
17 once per week, an issue of egg plant.

18 Q How about your quarters?

19 A We were quartered in the cells of the jail.
20 In these cells we slept on double-deck wooden beds
21 full of vermin. There was no latrine available
22 for our use during the nights. Any request which
23 we might give to a Japanese guard was refused. Due
24 to the fact of our past living conditions and our
25 general state of health, many of the prisoners had

FLINIAU

DIRECT

1 beri-beri, dysentery; and, as a result, the stench
2 was terrible.

3 Q Did you have mats to sleep on?

4 A We had no mats.

5 Q Any pillows?

6 A No pillows.

7 Q What branch of the service were the guards
8 from, if you know?

9 A The branch of the service that the guards
10 in charge of us were from: the military police unit
11 of Iloilo City.

12 Q What kind of work did you have?

13 A Our main job in Iloilo, among the officers
14 and enlisted men, was the cleaning up of the city.
15 We did another job of loading manganese ore from
16 the docks, carrying the two baskets on the poles
17 similar to the coolies. We loaded this ore from
18 the dock into the hold of a ship.

19 Q Do you recall if there was any torture or
20 mistreatment in the jail while you were there?

21 MR. LEVIN: I object to that question,
22 Mr. President, on the grounds that it is leading and
23 suggestive.

24 MR. LOPEZ: I submit to the Court, your Honor.

25 THE PRESIDENT: You can put it in another way.

FLINIAU

DIRECT

1 It is not very objectionable actually, but you can
2 put it in another way.

3 MR. LOPEZ: Was it sustained, your Honor?

4 THE PRESIDENT: I will sustain it, yes.

5 MR. LOPEZ: I did not hear it, if your Honor
6 please.

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FLINIAU

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1 Q Can you describe further the other treat-
2 ment of prisoners in the jail while you were there?

3 A Treatment among the prisoners, both American
4 and Filipino, was very severe, particularly the
5 beatings that were received by officers and enlisted
6 men. The treatment among the Filipinos was prob-
7 ably more damaging to the Filipino than it was to
8 the Americans. In certain cases among the Filipinos
9 that I witnessed, I saw them using the methods of
10 extraction of fingernails, the use of hot coals
11 placed under the chin of a Filipino prisoner, or the
12 Filipino prisoner being raised off the ground and
13 the hot coals placed under the soles of their feet.
14 Officers and enlisted men, both American and Fili-
15 pino, regardless of rank or regardless of the
16 position that they held during the war, were treated
17 the same.

18 Q You, yourself, how have you been treated?

19 A I was beaten on many occasions while in the
20 Iloilo jail.

21 Q With what?

22 A On the beatings of which I was the victim
23 they used three weapons mainly: ordinary steel
24 knuckles, bamboo poles, and two-by-four poles.

25 Q On those occasions what were you beaten for?

FLINIAU

DIRECT

1 A I was beaten throughout or all over the
2 entire body.

3 Q Why, why did they beat you -- for what
4 reason?

5 A On many occasions it seemed to me that
6 they did not need a reason. Other times they were
7 trying to gain information from me about the where-
8 abouts of Filipino soldiers who did not turn in or
9 who had deserted their unit prior to the turn-in
10 order.

11 Q Could you describe to the Court one of
12 those beatings that you were subjected to?

13 A On one particular occasion I was taken
14 into what we called the torture chamber, which was
15 a bare room, no chairs and no tables. A Japanese
16 captain and a Japanese warrant officer both asked
17 me the question: "How did Iloilo City get destroyed?"
18 It just so happened that at the time of the invasion
19 of the Japanese on Panay the invading force had to
20 go through the city of Iloilo. We defended the
21 city of Iloilo and by the use of artillery and
22 bombing from the air by the Japanese planes which
23 supported the landing, Iloilo City was destroyed.
24 They blamed me personally of lighting the match of
25 burning down the city of Iloilo. They forced me to

FLINIAU

DIRECT

1 stand at attention and both of them, one with a
2 bamboo pole and the other with a two-by-four,
3 started in on me. They beat me across the chest,
4 the ribs and the back, and finally with one blow
5 from a two-by-four, they hit me in the head which
6 rendered me unconscious. They called two other
7 officers, American officers, in; they carried me
8 out into the compound of the prison, threw buckets
9 of water on me to revive me. All the time that I
10 was on the ground both of them were kicking me
11 about the body. That is just one beating which I
12 received.

13 Q In relation to treatment of prisoners in
14 jail, in that particular jail, was electricity ever
15 used?

16 MR. LEVIN: Mr. President, I believe that
17 these questions can be propounded by simply asking
18 the witness what occurred. These questions are
19 leading. This is a very intelligent witness and
20 needs no leading at all. I object to the question.

21 MR. LOPEZ: If your Honor please--

22 THE PRESIDENT: I agree with Mr. Levin,
23 Mr. Lopez. This man is most intelligent; he has a
24 full recollection and there is no need for you to
25 resort to anything in the nature of a leading question.

FLINIAU

DIRECT

1 I know we are not bound by the strict rules of
2 procedure here, or by the strict rules of evidence
3 or for taking evidence; but it reduces the value
4 of the testimony unless it comes out willingly and
5 not as the result of prompting. We are judges,
6 not a jury.

7 MR. LOPEZ: Just for the record, if your
8 Honor please, I desire to state that I beg to dis-
9 agree with the learned opinion of the Court on that
10 particular matter in the sense that we feel we are
11 not putting into the mouth of the witness what we
12 want him to testify to; but, considering the fact
13 that we are fighting here against time, and the
14 further fact that the witness has had so many in-
15 cidents in his mind that we have to lead him to
16 produce this particular incident that we want him
17 to testify to here, I found myself constrained to
18 channel his thoughts into the particular points I
19 want to emphasize here instead of letting the
20 witness meander into fields I do not feel the Court
21 would have time or the patience to listen to.

22 Just one word, Mr. President, please, if
23 this be a failing, Mr. President, it springs merely
24 from an honest desire to help this Court in its
25 firm determination to give these accused the most

FLINIAU

DIRECT

1 prompt, speedy trial.

2 THE PRESIDENT: The question that prompted
3 Mr. Levin's intervention was not directed to prevent
4 the witness from meandering. It was directed to
5 getting further details of an episode already testi-
6 fied to by him and it was unnecessary prompting and
7 it invoked opposition and opposition wastes our
8 time; it does not save it. Proceed.

9 We will recess for fifteen minutes.

10 (Whereupon, at 1045, a recess was
11 taken until 1100, after which the proceedings
12 were resumed as follows:)

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FLINIAU

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MARSHAL OF THE COURT: The International Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Mr. Lopez.

MR. LOPEZ: We are through with the witness, your Honor. That is all for the witness. We are through with our direct examination of the witness, your Honor.

THE PRESIDENT: Mr. Logan.

MR. LOGAN: If the Tribunal please.

CROSS-EXAMINATION

BY MR. LOGAN:

Q Colonel, what rank did you hold at the time of the capitulation?

A I held the rank of Lieutenant Colonel.

Q While you were at this first camp, at the jail rather, you described some of the conditions there. Were there any other buildings in Iloilo City where the Americans and Filipinos could have been kept besides the jail?

A Yes, there were several buildings available for us as prisoners-of-war where we could have been kept and would have been much more comfortable.

Q Well, were these other buildings being used by the Japanese for other purposes?

A To name two or three buildings: Fort San

FLINIAU

CROSS

1 Pedro, which we were later moved to at the time of
2 our capture and placed in Iloilo Prison; there was
3 nothing being used at that time there at the Fort
4 San Pedro. Iloilo Agricultural College with its
5 dormitories was available for use.

6 Q Was that building being used by the Japanese
7 for some other purpose?

8 A No, sir, it was not being used at that time.

9 Q You remained in this jail for a period of
10 about forty-four days?

11 A Yes, sir.

12 Q And how many beatings did you personally
13 witness while you were at the jail?

14 A I personally witnessed approximately one
15 hundred beatings.

16 Q Would you say, Colonel, that these beatings
17 were the personal whims of the soldiers who adminis-
18 tered them?

19 A I was told by the Captain in charge when I
20 protested on beatings of different individuals that
21 he had orders from his superiors to punish us.

22 Q Did he tell you who these superiors were?

23 A On every occasion the only words used were,
24 "the High Command."
25

Q You, of course, don't know which command he

FLINIAU

CROSS

1 he meant by that, do you?

2 A I don't know.

3 Q Where did you go after you left Iloilo
4 jail, Colonel?

5 A We were then transferred to Fort San Pedro,
6 which is an old Spanish fort located right on the
7 beach in the City of Iloilo.

8 Q That is the fort you mentioned a minute ago,
9 isn't it?

10 A Yes, sir.

11 Q So being placed in the Iloilo jail was
12 just a temporary measure; is that it?

13 A When I complained to the Captain in charge
14 of the jail, asking for better quarters, he told me
15 that we were placed there for a period of time,
16 later to be announced, for interrogation, and that
17 we would be under the military police or kempeitai
18 for that period.

19 Q How soon after you made this complaint
20 were you taken from the jail?

21 A About five weeks later.

22 Q And was it the military police that
23 administered these beatings?

24 A Yes.

25 Q How were you treated when you arrived at

FLINIAU

CROSS

1 Fort San Pedro?

2 A The treatment at Fort San Pedro did not
3 change; in fact, as far as beatings and atrocities
4 went it gradually grew worse.

5 Q Would you say that the beatings at Fort
6 San Pedro were the personal whims of the soldiers?

7 A It was not the personal whims of the sol-
8 diers because the orders came down from their superior
9 officers.

10 Q What was the rank of the commanding officer
11 at Fort San Pedro?

12 A There was a Captain in charge, in immediate
13 charge of the Fort, and then on several occasions
14 there were on inspection parties one Lieutenant
15 Colonel, a Major, and two or three junior officers.

16 Q Did you ever see any of these orders or
17 hear them read?

18 A No, I never saw the orders. I, unfortunately,
19 could not read Japanese.

20 Q Were they ever read to you?

21 A Yes, presumably they were; at least, the
22 Captain who read the order to me always had a piece
23 of paper in front of him at the time of issuing the
24 order.

25 Q Colonel, these rice and worms that you say

FLINIAU

CROSS

1 you ate, is that the worms that were in the rice it-
2 self?

3 A Yes, sir, that was the rice. The worms
4 were in the rice.

5 Q By that I suppose you mean old rice, is
6 that it? Decayed.

7 A Yes, sir. The rice that we received as our
8 ration while in the prison was sweepings from the
9 floors of the warehouses. It had worms in it; it
10 had steel filings and everything.

11 Q Were the food conditions in the city bad
12 at that time, Colonel?

13 A I don't know very much about the Philippine
14 civilians. The only thing that I do know is that
15 there was plenty of fresh fruits and vegetables
16 available.

17 Q Anything else besides fresh fruits and vege-
18 tables available?

19 A There was also meat, corn, which I personally
20 saw in the markets. I don't know the situation as
21 far as the rice is concerned.

22 Q Did the food condition improve at Fort San
23 Pedro?

24 A No, sir. We were cut in our ration fifty
25 grams of rice per man per day upon arrival in San

FLINIAU

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Pedro.

1 Q Did you say cut to that amount or cut by
2 that amount?

3 A Cut by that amount.

4 Q What was the amount that you received?

5 A In Fort San Pedro we were receiving approx-
6 imately three hundred grams of rice per man per day.

7 Q Did you receive anything else besides rice?

8 A We received once a week, usually on a Sunday,
9 some camotes, which was sweet potatoes, and a squash.

10 Q Did you receive anything else?

11 A No, sir, nothing else.

12 Q Were you beaten at San Pedro too, the fortress?

13 A Yes, sir. I received in Fort San Pedro
14 approximately twelve beatings.

15 Q Colonel, was there a great deal of language
16 difficulty in the American soldiers understanding
17 orders issued by Japanese soldiers?

18 A We were very fortunate in our camp in Fort
19 San Pedro by having three Japanese interpreters who
20 had lived a good part of their lives in the Philippines
21 and spoke perfect English, and every order that was
22 given to me by the Japanese was interpreted by the
23 Japanese for me.

24 Q Colonel, have you ever testified in any other
25

FLINIAU

CROSS

1 trials?

2 A This is the first time I have ever been on
3 a witness stand.

4 MR. LOGAN: Thank you.

5 THE PRESIDENT: Mr. Levin.

6 CROSS-EXAMINATION (Continued)

7 BY MR. LEVIN:

8 Q Colonel, am I correct in understanding that
9 you were the highest ranking officer in charge of
10 that group that surrendered on the date that you have
11 indicated?

12 A No, sir. I was chief of staff to Colonel
13 Christie who was the senior officer on the Island
14 of Panay.

15 Q Did you arrange for the surrender?

16 A Yes, sir, I made all arrangements.

17 Q Were the terms of surrender in writing?

18 A The terms of surrender as handed down to
19 me and passed through the lines by the Japanese was
20 a total surrender in writing.

21 Q And did those terms require you to turn
22 over all available supplies and equipment?

23 A The exact wording of the terms of surrender
24 is as follows: You will--

25 Q Just a moment.

FLINIAU

CROSS

1 A (Continuing) "You will surrender your forces,
2 both American and Filipino, through the three follow-
3 ing places: The northern seaport town of Capiz; the
4 western part of our forces to surrender at Buena
5 Ventura in Antique; Division Headquarters and two
6 battalions of the 66th Infantry to surrender at Misi.
7 Signed: The Japanese High Command."

8 Q Is it understood that part of a surrender,
9 such as occurred there, that the equipment and sup-
10 plies were required to be turned over, that is, turned
11 over to the forces to whom surrender had been made?

12 A I abided by the note which was sent to me
13 of turning over my force to the Japanese.

14 Q I am not asking you with reference to that,
15 Colonel. I am inquiring whether or not it is a
16 practice, when such a surrender occurs, to turn
17 over the equipment and supplies.

18 THE PRESIDENT: What did you do with your
19 supplies?

20 WITNESS: May I have that question again?

21 MR. LOPEZ: What did you do with your supplies.

22 A The supplies which I had I left back into
23 the hills.

24 MR. MR. LEVIN: Mr. President, the reason I
25 directed that question is that he had made that

FLINIAU

CROSS

1 answer on his direct examination, and I was wondering
2 whether or not it is a custom of war, as part of a
3 surrender, to turn over supplies, and my question was
4 directed to that point.

5 THE PRESIDENT: Well, we do not want him
6 to answer questions of law for us, Mr. Levin. We
7 know what the duties of the Japanese were under the
8 laws of war.
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Greenberg & Duda

1 Q During your search with the Japanese officers
2 and men for these supplies, did you locate them for
3 them?

4 A I passed by or in the vicinity of several
5 of my dumps. Several of the dumps were completely
6 gone. Others that I passed near but not close enough
7 to point out to the Japanese, I have found out since
8 then had been looted by the Filipinos. Of course, at
9 that time I did not know that.

10 Q Did you make protest to the Japanese officers
11 in charge as to the treatment that was accorded you
12 and your men?

13 THE PRESIDENT: I think he said he did; but
14 let him answer.

15 MR. LEVIN: I believe he did, Mr. President.

16 Q How often did you make protest?

17 A I made protests every day that I was in the
18 prison camp, both in the Ilcilo Jail and down in
19 Fort San Pedro.

20 Q What was the highest-ranking officer of the
21 Japanese Army that you came in contact with while you
22 were at the camps?

23 A On one occasion we had an inspection party
24 down from Manila, and the Japanese officer that made
25 the inspection was a General. I do not know his name.

FLINIAU

CROSS

1 Q And what was the designation of the officers
2 in charge of the camps?

3 A In the Iloilo Prison while we were under
4 the military police, the officer in charge was -- the
5 only thing that he would ever tell me was he was
6 commander. The officer in charge of the camp and the
7 beach at San Pedro, also a Captain of the Japanese
8 Army, and he was known as the Commander.

9 THE PRESIDENT: Mr. Cunningham.

10 MR. CUNNINGHAM: If the Tribunal please.

11 CROSS-EXAMINATION (Continued)

12 BY MR. CUNNINGHAM:

13 Q Colonel, what was your rank at the time of
14 the surrender?

15 THE PRESIDENT: He told us.

16 A Lieutenant Colonel.

17 Q And what was your unit; not division, but
18 lower unit?

19 THE PRESIDENT: I think he gave us that in
20 telling us the terms of surrender, but he may not have
21 done so. The chief of staff to Colonel Christie in
22 charge of the Island of Panay; but he gave us his unit
23 in giving the terms of surrender. You could not have
24 been in the courtroom, Mr. Cunningham.

25 Q Colonel, are you National Guard or Regular

FLINIAU

CROSS

1 Army?

2 THE PRESIDENT: That is beside any point
3 that we have to decide.

4 MR. CUNNINGHAM: May he answer?

5 THE PRESIDENT: No.

6 Q Colonel, how long were you in the Philippines
7 before the surrender?

8 A I arrived in the Philippines on the 20th
9 of November, 1941; surrendered on the 27th of May, 1942.

10 Q And where had your unit trained before you
11 came to the Philippines?

12 MR. LOPEZ: I object, your Honor.

13 THE PRESIDENT: It is irrelevant, and the
14 objection is upheld.

15 MR. CUNNINGHAM: Well, if your Honor please,
16 I would like to show by this witness that he was
17 trained specifically for Japanese warfare in the United
18 States, that his outfit was pin-pointed for Japanese
19 combat, and that his unit was only one of many units
20 which were dispatched to the Philippine Islands for
21 that purpose. If I am able to show by this witness--

22 THE PRESIDENT: That has no bearing on the
23 duties of the Japanese in respect of him as a prisoner-
24 of-war. It is outside the scope of the examination
25 in chief.

FLINIAU

CROSS

1 Q Colonel, did you have any part in the train-
2 ing of the Filipinos for guerrilla warfare before the
3 surrender?

4 THE PRESIDENT: The question is irrelevant.

5 MR. CUNNINGHAM: Of course, I disagree with
6 your Honor, and it is too bad, as I have a line of
7 questions along that line which would show that the
8 United States Army, I believe, contributed to the
9 situation which existed in the Philippines with this
10 guerrilla warfare and the mistreatment; and I am
11 sorry that I cannot go into that line of questioning.

12 THE PRESIDENT: You must accept our decision,
13 Mr. Cunningham. Our clear duty compelled us to give
14 that decision.

15 Counsel SOMIYA.

16 MR. SOMIYA: Yes.

17 CROSS-EXAMINATION (Continued)

18 BY MR. SOMIYA:

19 Q At the time of your surrender to the
20 Japanese, how many capitulated?

21 A At the time of surrender, there was thirty-two
22 American officers and enlisted men. Every American
23 officer and enlisted man surrendered.

24 THE PRESIDENT: Counsel intending to cross-
25 examine should listen carefully to the evidence.

FLINIAU

CROSS

1 Q How many Filipinos capitulated?

2 A There were approximately 700 Filipinos that
3 capitulated.

4 THE PRESIDENT: We have had all this, but
5 it is useless to try to prevent waste of time. We
6 waste further time by trying to prevent further waste
7 of time here with those red lights.

8 Q Were those 700 Philippine captives released
9 later?

10 A I don't know whether they were released or
11 not. At the time I left Panay for Japan, they were
12 still under the Japanese.

13 Q Were the 700 Philippine troops who capitulated
14 together with you -- no; were you always together
15 with them?

16 A No, we were separated from the 700. However,
17 in early part of August there was approximately 100
18 Filipino troops put in Fort San Pedro with us. The
19 balance of the Filipinos were in the cadre barracks,
20 about 400 yards from where we were.

21 Q Then you do not know whether those were
22 later released or not?

23 A I do not know.

24 Q Thank you.

25 MR. BLEWETT: Just one question, if your Honor

FLINIAU

CROSS

1 please.

2 THE PRESIDENT: Mr. Blewett.

3 CROSS-EXAMINATION (Continued)

4 BY MR. BLEWETT:

5 Q Colonel, can you tell me the duration of the
6 inspection trip made by the General you mentioned?

7 A In preparation for the inspection, we were
8 told by the camp commander that this General and his
9 inspecting party were inspecting the Viscayan and
10 Mindanao. He was in our camp about ten minutes.

11 Q What was the condition of the camp during his
12 inspection?

13 A When we heard that the General was coming for
14 the inspection, each of the prisoners was given three
15 mangoes, each was given a papaya. This fruit was on
16 our bed at the time of the inspection party. Imme-
17 diately after the inspection party left, the fruit
18 was picked up. The barracks was clean during the
19 inspection. For that inspection we were given mops
20 and brooms and brushes to clean everything, and it
21 was spotless. But after the inspection, it was taken
22 away from us.

23 Q Do you recall on what date the inspection
24 was made, sir?

25 A On the 23d day of July, 1942.

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Q Thank you.

MR. BLEWETT: That is all, sir.

MR. LEVIN: There will be no further cross-examination of Colonel Fliniau.

MR. LOPEZ: No redirect, your Honor.

THE PRESIDENT: The witness is released on the usual terms.

(Whereupon, the witness was excused.)

1 THE PRESIDENT: Yes, Mr. Lopez.

2 MR. LOPEZ: We tender in evidence IPS
3 document No. 2826 which is a summary of evidence of
4 evidence of JAG Report No. 285 on the Death March
5 from Camp Keithley to Iligan, Lanao, Mindanao, on
6 4 July 1942.

7 THE PRESIDENT: Admitted on the usual terms.

8 CLERK OF THE COURT: Prosecution's document
9 No. 2826 will receive exhibit No. 1454.

10 (Whereupon, the document above re-
11 ferred to was marked prosecution's exhibit
12 No. 1454 and received in evidence.)

13 MR. LOPEZ: We read the entire summary:

14 "The Filipino and American forces which
15 surrendered to the Japanese in the Lanao area on 27
16 May 1942 were concentrated in Camp Keithley (Report
17 No. 285). On 4 July 1942, the prisoners were made
18 to march from Camp Keithley to Iligan, Lanao, a dis-
19 tance of about thirty-six kilometers, for the purpose
20 of taking them from there to Malaybalay, Bukidnon.
21 During the march, a prisoner who was sick and unable
22 to keep pace with the rest was shot. No food or
23 water was given the prisoners. As a consequence,
24 one died from drinking dirty water which he tried to
25 purify with iodine."

1 We offer in evidence IPS document No. 2869
2 which is a summary of evidence of JAG Report No. 49
3 on the mistreatment and murders at the Prisoner-of-
4 War Camp at Puerto Princesa, Palawan during 1942 to
5 1945.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution's document
8 No. 2869 will receive exhibit No. 1455.

9 (Whereupon, the document above re-
10 ferred to was marked prosecution's exhibit
11 No. 1455 and received in evidence.)

12 MR. LOPEZ: From that document we read the
13 following. Page 2, paragraph 5: "A rule was im-
14 posed providing for the execution of ten prisoners
15 for each one that escaped."

16 Page 2, paragraph 7, sentences 4-8, inclu-
17 sive:

18 "About 0200, 14 December 1944 two Jap
19 officers informed the men while in barracks that they
20 were going to work early the next morning. So, they
21 began at dawn but were called back at noon, which
22 caused the Americans to sense something strange.
23 There were two air raids during lunch and extra
24 guards were placed around the compound. During the
25 early afternoon another air raid warning was sounded

1 and the men were forced into their shelters and re-
2 quired to remain under cover, the Japs saying that
3 there were hundreds of American planes approaching.
4 When everyone was securely below the ground, between
5 50 and 60 Jap soldiers, armed with light machine-
6 guns, rifles, and carrying buckets of gasoline,
7 attacked the unsuspecting, defenseless prisoners in
8 the first shelter where there were approximately 40
9 of "A" Company. They first threw a lighted torch
10 into the entrance and followed it with a bucket or
11 two of gasoline which exploded, setting everyone
12 within on fire. As screaming men ran from the
13 shelter, they were mowed down by machine guns and
14 rifles while others, realizing they were trapped, ran
15 to the Japs and asked to be shot in the head, but the
16 Japs laughingly would shoot or bayonet them in the
17 stomach. When the men cried out for another bullet
18 to put them out of their misery the Japs continued to
19 make merry and left the men to suffer, twelve men
20 being killed in this manner. Captain SATO, commander
21 of the Jap garrison at the camp, walked over to C. G.
22 Smith, Signal 2c, USN, and split his head open with
23 his saber. The Japs started shooting everything in
24 sight, poked guns into the foxholes and fired them,
25 threw hand grenades, while throughout SATO was

1 laughing and shouting, urging the men to greater
2 effort. Men were thrown into holes while still
3 alive and covered with coconut husks. Some escaped
4 through a hole in their dugout, while 30 or 40 others
5 successfully tore barehanded through barbed wire
6 fences and ran to the water's edge. Those two
7 attempted to swim the bay were shot in the water
8 from the shore or from a barge moving just off shore.
9 Still others who sought refuge in crevices were hunted
10 down and dynamited. Bogue located Barta, Petry,
11 Pacheco, and Martyn, and about 2100 hours they swam
12 the bay to safety. For five days and nights, without
13 food or water except rain, Bogue tramped through the
14 jungle until rescued by Filipino prisoners at Iwa-
15 hig Penal Colony where he met McDole."

16 Page 4, last two paragraphs and first four
17 lines and last paragraph on page 5:

18 "Following the landing by American Forces
19 at Puerto Princesa, Palawan, on 28 February 1945 a
20 search of the POW enclosure was made and identifi-
21 cation tags, certain personal items, and fragmentary
22 records concerning American personnel were obtained.

23 Between the 15 and 23 of March 1945, seventy-
24 nine individual skeletons were buried by the 3rd
25 Platoon, 601st QM Co. (GR). Twenty-six of these

1 skeletons were found piled four and five high in one
2 excavation. Bullets had pierced the skulls and they
3 had been crushed with blunt instruments.

4 "The smallest number of bodies were found
5 in the largest dugouts which were closest to the
6 cliff and furthest away from the prison buildings.
7 Most of the bodies were huddled together at a place
8 furthrese away from the entrance where twenty-six
9 bodies were taken from one hole which was not a dug-
10 out. In two dugouts (closest to the cliff) bodies
11 were in prone positions, arms extended with small
12 conical holes in the fingertips showing that these
13 men were trying to dig their way to freedom."

14 We offer as our next witness Lieutenant
15 Colonel Austin J. Montgomery who is a survivor from
16 Corregidor and of various prison camps and prison
17 ships.

18 MARSHAL OF THE COURT: Mr. President, the
19 witness is in court and will now be sworn.
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MONTGOMERY

DIRECT

1 AUSTIN J. MONTGOMERY, called as a
2 witness on behalf of the prosecution, having
3 first been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. LOPEZ:

6 Q Please give us your full name, rank, serial
7 number and home address.

8 A Lieutenant Colonel, Austin J. Montgomery,
9 serial No. 0290327, age 34, residence 14754 Grean
10 Leaf Street, Sherman Oaks, California.

11 Q Colonel, how long have you served the United
12 States Army?

13 A Thirteen years.

14 Q Did you serve the Army in the Philippines?

15 A Yes.

16 Q What part of the Philippines?

17 A I was on both Bataan and Corregidor.

18 Q When?

19 A I arrived in the Philippines in May of 1941
20 and was in the war phase from December 8, '41 until
21 May 6, 1942.

22 Q Why until May 6, 1942?

23 A Will you repeat that question, please?

24 Q Why until May 6, 1942? You mentioned "until
25 May 6, 1942." Why until that date, Colonel?

MONTGOMERY

DIRECT

1 A On May 6, 1942 Corregidor surrendered to the
2 Japanese.

3 THE PRESIDENT: We will adjourn until half
4 past one.

5 (Whereupon, at 1200, a recess was
6 taken.)

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MONTGOMERY

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1 AFTERNOON SESSION

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3 The Tribunal met pursuant to recess at 1330.4 MARSHAL OF THE COURT: The International
5 Military Tribunal for the Far East is now resumed.6 A U S T I N J. M O N T G O M E R Y, called as a
7 witness on behalf of the prosecution, resumed
8 the stand and testified as follows:

9 THE PRESIDENT: Mr. Lopez.

10 MR. LOPEZ: If your Honor please, could I
11 resume my direct examination, and would the reporter
12 be good enough to repeat the last question I directed
13 to the witness.14 THE PRESIDENT: He said he was at Corregidor,
15 or surrendered there in May, 1942. He can go on from
16 there.

17 DIRECT EXAMINATION

18 BY MR. LOPEZ (Continued):

19 Q You surrendered where, Colonel?

20 A On Corregidor.

21 Q What date, please?

22 A 6th May 1942.

23 Q Who else surrendered with you?

24 A Approximately 8,000 to 10,000 American
25 and Filipino troops.

MONTGOMERY

DIRECT

1 Q Since you surrendered on 6 May 1942 can you
2 tell the Tribunal in how many prison camps you have
3 been in and how many prison ships you have been?

4 A I have been in six temporary camps, 7 permanent
5 camps and 7 prison ships.

6 Q Will you name the location of those six
7 temporary camps?

8 A The first temporary camp was in the City of
9 Cabanatuan in Nueva Ecija. That was in June of '42.
10 The next camp was approximately 40 kilometers outside
11 the City of Cabanatuan. I was there in June of '42.
12 Also at the Fort San Pedro in Cebu City; at the
13 Olongapo Naval Reservation in Zambales Province; city
14 jail in San Fernando Pampanga, and on the beach, San
15 Fernando La Union on Lingayen Gulf.

16 Q What is the name of the fort in Cebu, Colonel?

17 A Fort Santiago.

18 Q How about the permanent camps?

19 A The permanent camps were at the 92nd Garage
20 Area on Corregidor.

21 Q When, please?

22 A During May of '42. At Cabanatuan Camp No.
23 1, from June to October of 1942; at the Davao Penal
24 Colony from November '42 until June '44. At an iso-
25 lation area adjacent to the main camp at Cabanatuan

MONTGOMERY

DIRECT

1 in June and July of 1944; in Bilibid Prison in
2 Manila from October to December 1944; at Fukioka
3 on Kyushu, from January 1945 until April 1945, and
4 in Jinsen, Korea, from April 1945 until September 9,
5 1945, when I was recovered by American troops.

6 Q Will you please give us the name of the
7 prison ships?

8 A There was the Erie Maru, which took us from
9 Manila to Davao during October of 1942. Then there
10 were two vessels, the names of which I don't know,
11 that brought us from Davao back to Manila in June of
12 1944. The Oryoku Maru in December 1944; the Brazil
13 Maru, from San Fernando La Union to Takao harbor,
14 during December and January of 1944 and '45; the
15 Enoura Maru in Takao harbor during January 1945.

16 Q Will you tell the Tribunal what happened to
17 two of these ships while you were on board?

18 A The Oryoku Maru was bombed and strafed by
19 American planes on December 14th and 15th, 1945.

20 Q What occurred after it was bombed?

21 A Repeat that question, please.

22 Q What occurred, what happened, after it was
23 bombed?

24 A After it was bombed the second time we
25 were given orders to evacuate the ship.

MONTGOMERY

DIRECT

1 Q What happened to the other prison ship you
2 were on?

3 A The second prison ship, the Enoura Maru, was
4 bombed by American planes while in the harbor at
5 Takao, Formosa.

6 Q Going back to 6 May 1942, when you had the
7 first contact with the enemy as a prisoner-of-war,
8 will you kindly describe to us the living conditions,
9 as to food, water and quarters, at the first con-
10 centration camp you were in on the Island of Cor-
11 regidor?

12 A We were kept at the area known as the 92nd
13 Garage. The place was terribly crowded. We had to
14 sleep in -- we had to organize ourselves to sleep in
15 shifts because of the crowded conditions. There was
16 no protection from the sun during the day or from the
17 rain, with the exception of a few improvised tar
18 paper shacks that some of the men had managed to put
19 up from some of the materials which were on hand.
20 The sanitary conditions were very poor and in con-
21 sequence the place was just swarming with flies. From
22 early morning until evening the men were kept busy
23 fighting these flies all day long. There was one
24 water tap from which we could draw our water, which
25 gave a small trickle of salty, unpalatable water.

MONTGOMERY

DIRECT

1 The food was definitely inadequate, and there were
2 practically no medicines available to us.

3 Q While you were not given sufficient food or
4 medical supplies, were there supplies, medical and
5 food supplies, in Corregidor at that time?

6 A Corregidor was prepared for a long siege.
7 The Japanese used work details from amongst the
8 prisoners running as high as 2,000 men a day to
9 transport these supplies aboard Japanese vessels,
10 which sailed for the China Sea shortly after being
11 loaded.

12 Q When were you and the other American and
13 Filipino prisoners-of-war moved out of Corregidor?

14 A May 24, 1942.

15 Q Will you describe to the Tribunal the cir-
16 cumstances under which you were moved out?

17 A We were marched down to the pier area and
18 loaded aboard three transport vessels. Conditions
19 aboard the vessels were very crowded. We were given
20 no food nor water while we were aboard those Japanese
21 vessels.

22 Q What time of day were you moved out?

23 A I would say about ten o'clock in the morning.

24 Q And where were you heading for?

25 A We went to a point called Paranaque and we

MONTGOMERY

DIRECT

1 disembarked there.

2 Q How long did it take you to make the trip?

3 A The actual trip only took about two hours,
4 I would say.

5 Q Did you arrive the same day or the next day?

6 A The next day.

7 Q What time of day did you arrive in Paranaque?

8 A About eight o'clock in the morning.

9 Q Then what happened?

10 A We were taken ashore in invasion barges,
11 dumped into the water up to our shoulders, and as-
12 sembled on the shore at Paranaque in groups. We were
13 kept there for several hours, until the hottest part
14 of the day had arrived, and then we were marched
15 through the main thoroughfares of Manila, which were
16 lined with thousands of Filipinos out to witness the
17 procession. Many of these Filipinos tried to give
18 us food, fruit and water, and they were beaten by
19 the Japanese guards for attempting to help us. There
20 were many Japanese Army personnel and civilians
21 lining the streets to witness the march.

22 Q Where did the procession end, Colonel?

23 A At Old Bilibid Prison, which is in the
24 commercial section of Manila.

25 Q Will you tell us the distance between

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1 Paranaque and Old Bilibid Prison?

2 A About seven miles.

3 Q Have you been in Manila before the out-
4 break of the war, Colonel:

5 A I was stationed there for about seven months
6 before the war.

7 Q Are you familiar with the port area where
8 the piers are in Manila?

9 A Yes, I was stationed at port area.

10 Q Do you know if there were piers sufficient
11 in Manila?

12 A Yes, Manila is a large port. There were
13 several piers there, including Pier No. 7, which is
14 reputed to be the longest pier in the world.

15 Q Do you know the distance from the pier to
16 Old Bilibid Prison?

17 A It is about a mile.

18 Q Then, why did the Japanese not land you
19 at the pier and instead landed you at Paranaque?

20 MR. LEVIN: We object to that as asking for
21 a conclusion of the witness, Mr. President.

22 MR. LOPEZ: If he knows, your Honor.

23 THE PRESIDENT: Did the Japanese give you a
24 reason for that?

25 THE WITNESS: No, sir.

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1 THE PRESIDENT: Well, you don't know why
2 they made that choice. The objection is upheld.

3 MR. LOPEZ: He may answer, your Honor?

4 THE PRESIDENT: No, he may not. He couldn't
5 read their minds. They would have to tell him.

6 Q Can you describe to the Tribunal about the
7 living quarters and treatment of inmates of the Davao
8 Penal Colony while you were confined there?

9 A The Davao Penal Colony before the war and
10 during the war contained about 2,000 Filipino con-
11 victs. We were assigned to one of their areas and
12 approximately 2,000 men lived in these barracks. The
13 sanitary facilities were rather poor, but better than
14 we had run into at any other camp. Water was plenti-
15 ful -- drinking water was plentiful, but food was
16 inadequate. There were many men beaten by the Jap-
17 anese guards while performing their various work de-
18 tails, and we had one execution while down there.

19 Q Do you know if mass punishment was ever
20 imposed?

21 A Yes, on several occasions, specifically,
22 when I and approximately 600 other Americans were
23 mass punished for the escape of ten men.

24 Q What was the mass punishment meted out?

25 A Well, the mass punishment consisted of taking

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1 the six hundred men and putting them into a much
2 smaller compound, where we slept in cages. These
3 cages were separate, dimensions, I would say five
4 feet, ten in length, about three feet in width, and
5 three feet high. We entered them through a --

6 Q What were they made of, Colonel?

7 A They were made of wood and wire.
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1 Q How many of you were required to sleep in
2 one cage?

3 A One cage per man.

4 Q For how long?

5 A Well, that phase of the mass punishment lasted
6 two months.

7 Q Will you describe the inside of the cage
8 with respect to its cleanliness or lack of it?

9 A Well, for one thing it was a regular
10 bed bug incubator. A tall man could not stretch
11 out to his full length. He would have to double
12 his feet, draw up his legs. They were flat boards.
13 They were piled flat boards, and the cages were
14 set one above the other, double tier, double tiered
15 effect.

16 Q How were you treated as to food?

17 A Well, our food, while undergoing this punish-
18 ment, was considerably less than that of the main
19 camp, which was bad enough at that time.

20 Q How did they treat you personally?

21 A Well, we were placed on the most onerous
22 work details that they could possibly devise. We
23 were beaten without provocation. I have personally
24 been beaten on several occasions during that period;
25 and we were informed that that was part of the

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1 punishment that had been imposed upon us.

2 Q Do you know who gave the order of that
3 punishment?

4 A After the escape we waited about seven
5 days pending our sentence. The six hundred men to
6 be punished were assembled. The commanding officer
7 of the camp, the Major MAIDA, announced to us that
8 he had received the notification of the punishment
9 to be imposed from the High Command.

10 Q Did he state anything further?

11 A No. He made quite a ceremony out of the
12 affair, and read our sentence off from a sheet of
13 paper or a scroll, and concluded with: we should
14 meditate and repent.

15 Q Colonel, in Davao camp did you hold any
16 position?

17 A Yes, I was the Adjutant of the Camp and
18 the Works Details Officer.

19 Q Do you recall if the prisoners-of-war in
20 Davao were given a set of questionnaires whether
21 they were willing to work or not?

22 A Yes. In April of 1943 we were given a
23 form, each man was given a form to fill out by the
24 Japanese, and it asked whether you would volunteer
25 to work or not.

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1 Q And what was the answer of the men?

2 A They got six hundred negative answers from
3 us.

4 Q What happened when they learned that you
5 did not want to work?

6 A Well, in spite of the fact that they had
7 asked whether we would volunteer, they returned
8 these negative reports to us and stated that we
9 would work and that if anybody did not work, they
10 would be confined in the guardhouses and severely
11 punished until they volunteered to work.

12 Q Are you familiar with the place Lasang, Davao,
13 Colonel? Does that strike any recollective chord
14 in your memory?

15 A Yes. Yes, it does.

16 Q What was it?

17 A Well, the Japanese authorities at the
18 penal colony ordered a six hundred man work detail
19 to build a military air field at Lasang. We protested
20 this decision, and I, personally, drafted a letter
21 of protest which was signed by Commander Warren Ports,
22 who was our senior officer in the camp.

23 THE MONITOR: Is he a Lieutenant-Commander
24 or full Commander?

25 A He was a full Commander. Also signed by

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1 Colonel Olsen, who was the Camp Commander. The
2 senior officer was not the camp commander at this
3 camp. In this letter we stated that working on
4 military installations was covered under the rules
5 of land warfare and requested that they reconsider
6 the matter of assigning American officers and
7 enlisted men to work on military installations.

8 Q What happened to the letter?

9 A It was returned after several days by a
10 Japanese officer and interpreter, and they stated
11 that letters such as that type would do us no good.
12 They made the statement that the Japanese Government
13 would live up to only such parts of international
14 law as were not in conflict with their rules and
15 regulations.

16 Q When were you moved out of Davao?

17 A In June of 1944.

18 Q Will you describe the circumstances under
19 which you were moved out?

20 A Yes. We were loaded aboard trucks, roped
21 together and blindfolded. We were so crowded in
22 these trucks that the men who were sick passed out.
23 They had great difficulty in sinking to the floor
24 of the truck. The trip lasted between three and
25 four hours. At no time were we permitted to get off

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the trucks during that period.

1 Q At the wharf, what happened, Colonel?

2 A When we arrived at the wharf, we were de-
3 trucked. The ropes were taken off us. We had our
4 blindfold removed. While I was there I noticed a
5 large automobile, a limousine, flying a yellow flag,
6 a gold-colored flag, which is indicative of the
7 General grade in the Japanese Army. This Japanese
8 General appeared to be quite amused at the method
9 of transporting us. The Commanding Officer of the
10 Camp, who was a Major TAKASAKI, came over to Colonel
11 Olsen and myself and spoke to us, and apologized for
12 the drastic methods used to transport us, and assured
13 us that he was merely following orders from higher
14 authority.

16 Q A little while ago, Colonel, you mentioned
17 the circumstances of the sinking of the Oryoku
18 Maru in December of 1944. You stated that while it
19 was off Subic Bay it was bombed and strafed by
20 American planes carrying American prisoners of war.
21 Can you explain to the Court why American planes
22 should bomb a prison ship carrying American prisoners-
23 of-war?

24 MR. LEVIN: We object to that, Mr. President,
25 on the ground that it is asking the witness for a

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1 conclusion not within his powers.

2 THE PRESIDENT: Confine yourself, Mr. Lopez,
3 to getting from the witness facts from which we
4 may draw the conclusions that you invite him to
5 draw.

6 MR. LOPEZ: I will reform the question.

7 Q At the time the Oryoku Maru was bombed
8 off Subic Bay in December of 1944, had it any identi-
9 fication as to what ship it was?

10 A The Oryoku Maru was absolutely unmarked,
11 was heavily gunned, many anti-aircraft, and there
12 were adequate in number gun crews to man those guns.

13 Q How many American prisoners-of-war were
14 aboard when it was bombed and strafed by American
15 planes?

16 A We boarded the Oryoku Maru with approximately
17 sixteen hundred and fifty men. However, at the
18 time the planes started to bomb and strafe the ship,
19 about thirty or forty had already died.

20 Q How many times was it bombed and strafed?

21 A Well, the planes picked up the Oryoku Maru
22 at eight o'clock in the morning, and they bombed it
23 and strafed it at intervals until four-thirty.

24 Q You say that the Oryoku Maru carried anti-
25 aircraft guns at the time. Could you please tell us

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1 what those guns were doing at the time the
2 American planes were strafing and bombing the
3 Oryoku Maru?

4 A The anti-aircraft guns were firing constantly.

5 Q What happened to the Oryoku Maru after
6 she was bombed and strafed the second time?

7 A The serious damage to the Oryoku Maru, so
8 far as we were concerned, happened the morning of
9 the fifteenth. A bomb landed right alongside of
10 the athold, blew a hole in the side of the ship.
11 However, the Oryoku Maru had been so badly damaged
12 the day before that it was obvious that it could
13 not continue its voyage; and the Japanese had already
14 evacuated some civilians who were aboard the ship
15 the night of the fourteenth and fifteenth.

16 Q What order was given when it was found that
17 it could not continue with the voyage?

18 A In the hold I was in we were informed by
19 a Japanese interpreter that we would make for the
20 shore. We would probably have to swim. We were
21 ordered not to take any shoes with us, and to strip
22 down as much as possible, as it was a fairly long
23 swim. We ascended the ladders leading down into
24 the hatch, and some people were permitted to go to
25 one of the lower levels and jump overboard. Others

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1 were forced to jump right where they were, which
2 was a distance of about eighteen feet, I should say,
3 into the water. The Japanese guards aboard the boat
4 were definitely trigger-happy; and several people
5 were shot while they were still on the Oryoku Maru.

6 There were machine guns lined up on the shore
7 that opened fire upon men who were in improvised
8 little rafts or clinging to driftwood, who apparently
9 did not trust their swimming ability to make the
10 shore. As I was swimming in, I passed a raft with
11 five officers on it whom I knew: Colonel Maverick,
12 Humber, Dencker, Major Nerdlinger, and Chaplain
13 Cleveland.

14 THE MONITOR: Would you repeat the names,
15 please?

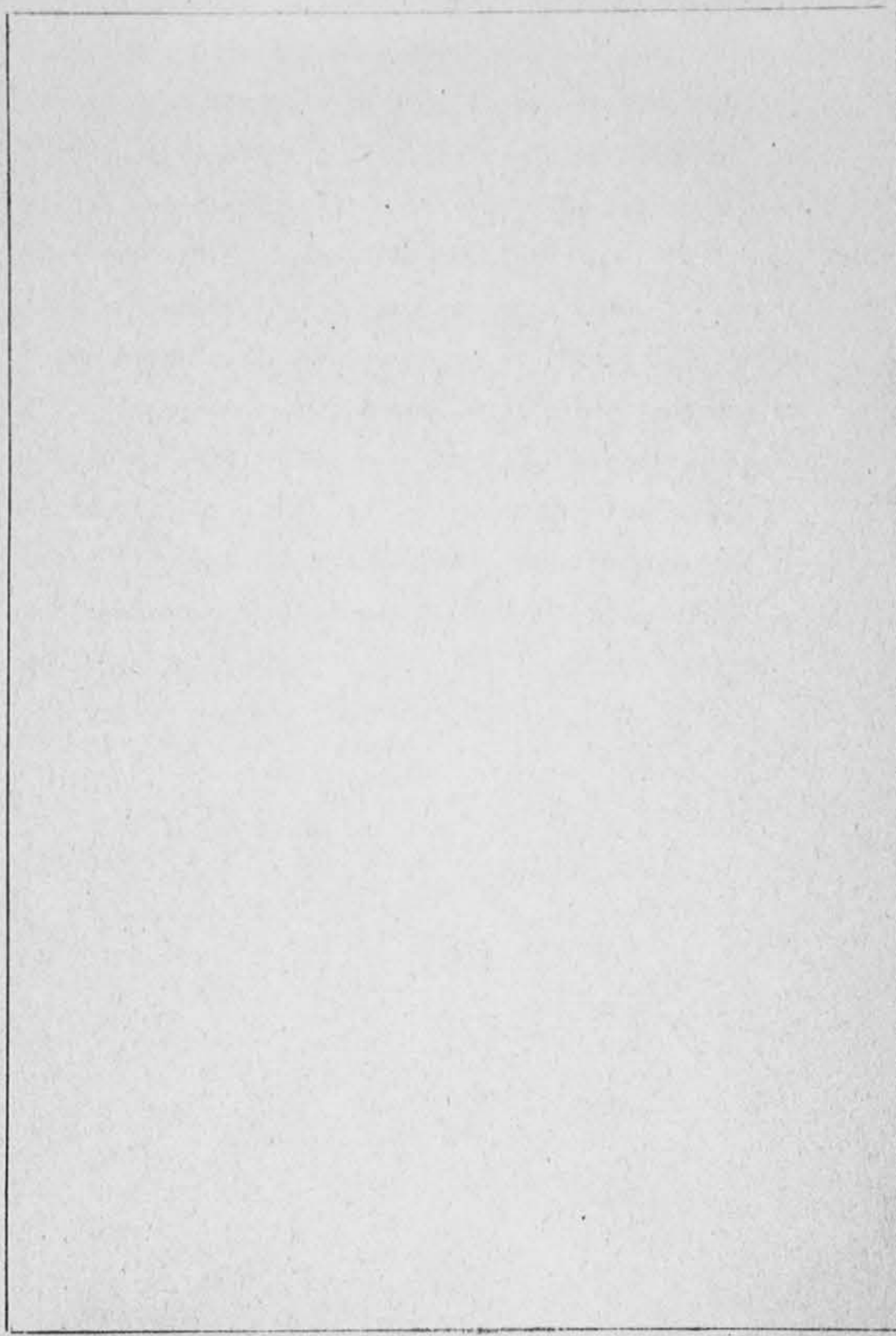
16 THE WITNESS: Colonels Humber, Maverick,
17 Dencker, Major Nerdlinger, Chaplain Cleveland.

18 A (Continuing): The Japanese machine guns
19 opened fire on these men who were paddling towards
20 the shore, a prescribed point, killing Cleveland,
21 Dencker, Major Nerdlinger. The other two officers
22 managed to swim to shore, but they subsequently died.

23 Q Please describe conditions on the Oryoku
24 Maru before she was sunk?

25 A The Oryoku Maru was the worst experience

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1 that I had ever had as a prisoner. We were literally
2 jammed into the hold of this ship. We were so
3 crowded that sitting down, or our allocation of
4 space, was absolutely impossible. It was so crowded
5 that men had to be beaten down into the hold. Apparently
6 they had allocated so many men to a hold, and those --
7 there were about seven hundred, I think, in the hold
8 I was in -- and those seven hundred men just had to
9 get down there if they had to walk up somebody's back
10 to do it. It was terribly hot within the hold,
11 and this was further increased when the Japanese
12 battened down the hatches on several occasions. I
13 would estimate that it got as high as one hundred
14 and twenty degrees in that hold.

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1 Q How was the food situation aboard the ship?

2 A We received one issue of rice and one small
3 issue of water all the while we were on the Oryoku
4 Maru. That was December 13 to December 15.

5 Q How about the sanitary facilities?

6 A They supplied four buckets for latrine
7 purposes for the seven hundred men in this partic-
8 ular hold. Permission was refused to empty these
9 buckets and in consequence they quickly filled and
10 overflowed. The odor was terrific.

11 Q How about the water?

12 A Well, due to the crowd, crowded conditions,
13 the fact that it was terribly hot in the holds, men
14 dehydrated very quickly. If a person had water in
15 their canteen they were forced to drink it. I used
16 the term "forced to drink it" because many of us in-
17 tended to conserve on this water realizing that on
18 these Japanese cruises water was quite scarce. How-
19 ever, by that first evening there were very few men
20 who had any water left in their canteens. The water
21 issue that we received that night from the Japanese
22 consisted of a canteen cup per bay. They divided
23 these ships into bays, so many men to a bay. We had
24 something like thirty-seven men. The combination of
25 the heat, dehydration, the terrible conditions on that

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1 boat drove a lot of the men out of their minds.
2 Some of them resorted to drinking urine in an
3 effort to assuage their thirst. Other men slashed
4 their wrists and anybody else's wrists that they
5 could get hold of to drink the blood. During this
6 whole period there was quite a clamor in the holds--
7 people yelling, trying to quiet down the maniacs--
8 and at that time the Japanese battened down the
9 hatches as a disciplinary measure. That, of course,
10 completely shut us off from any appreciable amount
11 of air.

12 Q Colonel, could you tell us how many
13 Americans died as a result of the strafings and
14 bombings?

15 A Well, we started out with about 1650
16 and when we held a roll call at Olongapo there were
17 between 1300 and 1400 men present -- nearer thirteen.

18 Q What was the cause of the deaths of those
19 men missing?

20 A Suffocation, indiscriminate shooting on the
21 vessel and from the shore party, and some deaths
22 attributable to the bombing. However, there were
23 more deaths attributable to the conditions aboard
24 the Oryoku Maru than from any other circumstance or
25 series of circumstances, such as indiscriminate

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1 shooting and the bombing itself.

2 Q Could you tell us, Colonel, whether there
3 were wounded of those of you who survived?

4 A Well, there were at least sixty or seventy
5 men who were wounded or injured.

6 Q Did the Japanese give them any medical
7 treatment or hospitalization?

8 A None whatsoever. One example that remains
9 in my mind very vividly, there was a Marine corporal
10 by the name of Speck got a machine gun slug in his
11 arm. Gangrene set in and it swelled up to an in-
12 credible size. Our doctors repeatedly asked the
13 Japanese interpreter and commanding officer of
14 troops for permission to send this man specifically
15 and many of the other wounded and injured men to some
16 point where they could receive hospitalization. One
17 of our medical officers, a Colonel Swartz, seeing
18 that permission would not be granted, decided to
19 amputate this man's arm without anesthetic and with
20 the crudest surgical appliances imaginable. He
21 amputated this corporal's arm and he died about
22 three days later.

23 Q The 1300 or 1400 of you who survived, where
24 were you concentrated later?

25 A After we got ashore they rounded us up,

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1 marched us to a doubles tennis court -- not two
2 tennis courts but a doubles tennis court -- and
3 the survivors, between 1300 and 1400 men, were
4 placed in this area and told that we would dispose
5 ourselves as best we could.

6 Q Was it an indoor tennis court or outdoor
7 tennis court?

8 A It was an outdoor court with backboards
9 and netting to keep the balls from leaving the
10 playing surface.

11 Q Was there any roofing on it?

12 A Absolutely none.

13 Q How many day did you stay in that tennis
14 court?

15 A Six days.

16 Q Where did you sleep during the six days?

17 A Well, that required quite a bit of organiza-
18 tion. We divided ourselves up into squads of,
19 roughly, seventy men stretched across the court,
20 got reasonably close to each other. We were in
21 files. After setting aside a small area for the
22 seriously wounded and injured, we allocated that
23 space to the individual squads to give you roughly
24 two feet apart. I would say the lines were roughly
25 two feet apart.

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1 THE PRESIDENT: Mr. Lopez, I prevented
2 you from asking this witness what reasons the
3 Japanese had for taking the route they did to the
4 Bilibid Prison and you left it at that. There is
5 nothing to prevent you from getting from the wit-
6 ness the circumstances attending that march so that
7 we may draw the necessary conclusion. You may think
8 over that during the recess.

9 We will recess for fifteen minutes.

10 (Whereupon, at 1445, a recess
11 was taken until 1500, after which the pro-
12 ceedings were resumed as follows:)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Lopez.

4 MR. LOPEZ: Mr. President, could I resume
5 by going on with the testimony? Could I resume with
6 the direct examination and meet the suggestion later
7 of the court in the last part of his testimony?

8 THE PRESIDENT: It rests entirely with you,
9 Mr. Lopez.

10 BY MR. LOPEZ (Continued):

11 Q Were there trees overhanging, whose branches
12 overhung the tennis court to protect you from the
13 rain or from the heat of the sun?

14 A No.

15 Q Were you provided with any beds to sleep in
16 in the tennis court?

17 THE PRESIDENT: Well, he told us what
18 happened. They were in squads two feet apart, or
19 something like that. That meant on the ground, I
20 take it.

21 Q Were you provided with nets?

22 A No.

23 Q How about your food?

24 A The first two days we got nothing issued to
25 us in the way of food from the Japanese. On the

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1 third day, and each day hereafter while we remained at
2 Olongapo, we received one tablespoon -- mess kit
3 spoonful of uncooked rice.

4 Q On the third day of your stay in the tennis
5 court what happened, please?

6 A On the third day a Lieutenant UKI, who had
7 been an officer assigned to the supervisory personnel
8 of the penal colony, came up to Olongapo. He was
9 assigned to General KUO's office, who I believe was
10 in command of all prison camps in the Philippines.
11 UKI sent for Colonel Olsen and myself, as he knew us
12 at Davao, and wanted to talk to us. At that time we
13 told him about the conditions aboard the Oryoku Maru.
14 He could see visible evidence of how we were carrying
15 on at Olongapo, the fact that we had practically no
16 clothing, that we were broiling during the daytime
17 from the sun and freezing at night; the fact that
18 we had had no cooked food since the 13th of December.
19 We asked him if he would bring those conditions to
20 the attention of the higher authority in Manila.

21 Q What came out of your talk with Lieutenant
22 UKI, if you know?

23 A UKI said he would do what he could for us;
24 but our condition did not change in the slightest all
25 the while we were at Olongapo.

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1 Q How many American prisoners-of-war were
2 you when the Enoura Maru was bombed in January, 1945,
3 at Takao, Formosa?

4 A Well, at this time there were about 1300
5 survivors left.

6 THE PRESIDENT: We have that.

7 MR. LOPEZ: This is another one, your Honor,
8 we are questioning him about. This is the Enoura Maru.

9 THE PRESIDENT: He does not seem to under-
10 stand so. The same number of survivors, 1300 in each.
11 It may be a coincidence. Go ahead.

12 MR. LOPEZ: Your Honor, the witness said,
13 in answer to the number of survivors from the Oryoku
14 Maru that it was between 1300 and 1400, your Honor.
15 Just for the purpose of clarification, your Honor, I
16 should like to ask this question of this witness with
17 respect to survivors of the Enoura Maru.

18 Q Will you tell us how many survived from the
19 bombing and strafing of the Enoura Maru at Takao,
20 Formosa?

21 A There were no more than 1300 men on the
22 Enoura Maru at the time she was bombed at Takao
23 Harbor. Approximately 300 men were killed outright
24 on the bombing at Takao Harbor.
25

Q At the time she was bombed did the Enoura Maru

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1 carry any identification?

2 A The Enoura Maru was unmarked and armed.
3 I might add that no Japanese ships that I have ever
4 been on carrying prisoners were marked in any way.
5 I will supplement that by saying marks of any kind
6 to indicate that it was carrying prisoners of war
7 aboard.

8 Q What kind of arms did the Enoura Maru carry,
9 what kind of arms?

10 A They had several anti-aircraft guns.

11 Q Were those guns used when she was attacked
12 by American planes?

13 A That was the first warning we received, was
14 when the Enoura Maru opened fire on the planes.
15 Shortly thereafter the bombs hit the vessel.

16 Q Of the 1600 or 1650 prisoners of war
17 aboard the Aryoku Maru in December, 1944, how many
18 of you survived upon reaching here in Japan?

19 A There were approximately 450 of the prisoners
20 reached Moji.

21 Q Going back to the boulevard of the Bilibid
22 Prison march, can you state to the Court if Paraque
23 is a port of debarkation for the Army?

24 A It is not.

25 Q Did it have any pier or wharf of any kind?

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1 A No.

2 Q How were you disembarked from the three
3 vessels?

4 A With Japanese landing craft, assault boats,
5 whatever they call them.

6 Q What principal thoroughfares of Manila
7 did you pass through, or you were made to pass through?

8 A We went down Dewey Boulevard, which is one
9 of the main thoroughfares, down Taft Avenue, which
10 is also in the main section of town; and then to
11 get to Bilibid you have to go through the commercial
12 section of Manila.

13 MR. LOPEZ: That is all for the witness,
14 your Honor.

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1 THE PRESIDENT: Mr. Logan.

2 MR. LOGAN: If the Tribunal please.

3 CROSS-EXAMINATION

4 BY MR. LOGAN:

5 Q Colonel, what commission did you hold at the
6 time of the capitulation?

7 A Major.

8 Q I understood you to say that at the time of
9 the capitulation the food that the Americans had was
10 placed on Japanese ships and taken across the China
11 Sea. Is that correct?

12 A Headed toward the China Sea.

13 Q Isn't it a fact, Colonel, that at the time of
14 the surrender the Americans had very little food left?

15 A People on Bataan were much worse off than on
16 Corregidor. On Corregidor the plan was for it to hold
17 out an additional ninety days after the fall of Bataan,
18 and there was a reserve of food that was not to be
19 touched under any circumstances.

20 Q Was this a very large supply you had stored
21 up or a small supply?

22 A Repeat that, please, I don't hear you.

23 Q Was it a very large supply or a small supply
24 you had stored up?

25 A I would say that there was food there.

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1 We were on two meals a day on Corregidor.

2 Q And that was rationed meals at that, wasn't it?

3 A Yes. It was two light meals. I would say that
4 Corregidor had a ninety day ration in store at the same
5 rate that we had been eating these two meals a day,
6 that would keep a person from starving to death.

7 Q For how many men?

8 A Approximately ten thousand.

9 Q When you were at Bilibid Prison, Colonel,
10 conditions were crowded in the barracks there, is that
11 correct?

12 A I have been in Bilibid Prison on three occa-
13 sions: Which occasion are you talking about?

14 Q The first occasion, when you were talking
15 about these cages.

16 A Yes, it was quite crowded in Bilibid.

17 Q Who constructed these cages in which you
18 were placed?

19 MR. LOPEZ: If your Honor please, just for
20 a point of clarification, those cages were not placed
21 in Bilibid, but in Davao.

22 THE PRESIDENT: You are not at liberty to
23 contradict the witness.

24 A I don't know who built the cages at Davao
25 Penal Colony.

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1 Q How were conditions with respect to over-
2 crowding at the prison?

3 A When we first got down to Davao it was not
4 too crowded because about six hundred of the thousand
5 men that came down from Manila were immediately sent
6 to a hospital, that is, to a hospital area. Subse-
7 quently, the Japanese drove a lot of these sick men
8 back to the main part of the camp so that they could
9 work at various tasks that they thought up for them.

10 Q Do you know if these cages were used as
11 temporary shelter for men before you were required
12 to use them?

13 A I can't answer that as I had never been in
14 that area before.

15 Q Well, they were not constructed especially
16 for the six hundred men that were placed in them,
17 were they?

18 A I don't think so.

19 Q From your examination of them, would you say
20 that they were used as for sleeping purposes for men
21 due to overcrowded conditions in that particular area?

22 A No. As I recall it, there were other struc-
23 tures available there in which we could have been
24 billeted. We were in three barracks.

25 Q What I am trying to find out, Colonel, is

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CROSS

1 just what these cages were used for before you did --
2 before you used them. Six hundred cages is quite a
3 large number.

4 A The area in which we were confined had been
5 used when the penal colony was in operation for the
6 more or less incorrigible prisoners. There were three
7 rows of barbed wire running around this compound;
8 flood lights shining in there at all times. It could
9 well be that the Filipino convicts were confined under
10 a somewhat similar circumstance as a disciplinary
11 measure.

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Greenberg & Duda

1 Q Now, do you speak Japanese?

2 A Very, very slightly; and I do not feel the
3 urge to improve it.

4 Q I suppose you didn't understand it at all
5 in 1942; is that so?

6 A I could count, name work details. I had to
7 do that as the majority of the Japanese guards did not
8 speak English.

9 Q When Major MAJDA read this notification of
10 punishment that you received at this camp, did he speak
11 in Japanese?

12 A Yes, he spoke in Japanese. He could speak
13 practically no English.

14 Q You say he read this sentence from a paper
15 or scroll which he had in his hand?

16 A That is correct.

17 Q Was there an interpreter there?

18 A Yes.

19 Q Did the interpreter specifically use the
20 words "High Command"?

21 A That was one of their favorite expressions.
22 They used the word "High Command" on many, many
23 occasions, and specifically on that occasion.

24 Q They were the words that were used by the
25 interpreter, but you don't know whether or not they

1 were the words Major MAIDA used in Japanese, is that it?

2 Did you answer?

3 A No more so than on any other occasion when
4 a Japanese officer used an interpreter. However--

5 Q Let's confine it to this occasion, Colonel.

6 A Well--

7 Q And later on, when you were at this other
8 penal colony, you protested about working on the
9 building of this airfield. Did the same situation
10 prevail there with respect to the reading of the order
11 that was given to you with respect to the fact that
12 they would not live up to the regulations of the Rules
13 of Land Warfare?

14 A The letter was returned, and the statement
15 was a verbal statement made by -- through an inter-
16 preter.

17 Q You, of course, do not know, Colonel, whether
18 or not on both of these occasions the officer who
19 spoke actually had orders from higher authorities,
20 isn't that so?

21 A I did not see any orders.

22 Q And you do not know whether he actually had
23 any orders from higher authority?

24 THE PRESIDENT: How could he?

25 A No, I don't know that.

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1 Q When you arrived at this wharf and the Captain,
2 whose name was NAGASAKI, spoke to you--

3 A TAKASAKI.

4 Q TAKASAKI. Did he speak English?

5 A Yes, he could speak English -- Major TAKASAKI.

6 Q Major? And do you know as an actual fact
7 that there was a General there at that time?

8 A Oh, unquestionably.

9 Q At any of these camps you were at, Colonel,
10 I presume you made protests about beatings and food,
11 and so forth, did you?

12 A Most of them.

13 Q In any of these camps, did any of these pro-
14 tests bring any results?

15 A Usually ~~made things worse~~.

16 Q Were there any times when they were made good?

17 A I have to think pretty hard on that one.
18 Yes, I recall one specific instance.

19 Q Were guards ever punished for ~~mis~~treatment
20 of American soldiers after protests were made?

21 A That is the instance I have in mind.

22 Q Just one instance?

23 A One instance.

24 Q Now, at the time this ship was bombed where
25 you got ashore on the tennis court, that was an

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1 emergency condition set up there, wasn't it, Colonel?
2 In other words, the Japanese weren't expecting the
3 ship to be bombed or expecting that they would have
4 to take care of about 1300 men at that particular time
5 at that spot, isn't that so?

6 A We landed right at the Olongapo Naval
7 Reservation. That was a permanent station formerly
8 used by our Navy for many, many years. There were
9 hospital facilities there and there were facilities
10 to cook the food. If ever a place were designed to
11 take care of unexpected guests, that was the place.

12 Q Was it crowded at that time, Colonel?

13 A You mean crowded with Japanese soldiers?

14 Q With anybody.

15 A I'd say there were a couple of hundred
16 marines there manning gun positions which were all
17 around the tennis court where we stayed. But no
18 large concentration of troops.

19 Q Were there any other prisoners there?

20 A None.

21 MR. LOGAN: That is all.

22 MR. S. OKAMOTO: I am counsel OKAMOTO,
23 Shoichi.

24 THE PRESIDENT: Counsel OKAMOTO.
25

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CROSS-EXAMINATION (Continued)

BY MR. S. OKAMOTO:

Q When the 600 prisoners at Davao said that they would not volunteer for work, did they do so one by one, or did they do this as a group?

THE MONITOR: Did they do this individually, or did they talk, consult with each other and come to a decision and acted as a group?

A We did it together.

Q Did you do this upon consultation with each other, as a result of a mutual agreement?

A No. We were rather happy to have the opportunity of expressing our desires on whether we would work or not, and we unanimously decided we did not volunteer to work.

Q But, was not this refusal made by a representative -- made through a representative?

A No. They gave us a series of printed forms to fill out and we put under "Do you volunteer to work?" "No."

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1 Q Did each person take this slip of paper
2 individually or did they -- were these slips of paper
3 collected and taken by a representative?

4 A Better have him repeat that question.

5 THE PRESIDENT: No, don't. We do not want
6 that question. We do not want the answer.

7 Q Then I shall ask another question: You tes-
8 tified that the ship which was bombed outside Manila
9 was the "Oryoku Maru." Was it not the "Oryokko Maru"?

10 A Well, I don't guarantee my Japanese pro-
11 nunciation, but I think it is spelled O-r --
12 phonetically -- O-r-y-o-k-u: Oryoku.

13 Q Were there not many Japanese civilian
14 evacuees on that ship -- women and children?

15 A Oh, yes, very many.

16 Q When this ship began to sink, were the women
17 and children evacuated first?

18 A The civilians were evacuated first. I
19 don't know in what order. And they were evacuated
20 the morning of December 15. When I say "morning,"
21 I mean about two o'clock in the morning, December 15.

22 Q Were not the lifeboats used for the evacu-
23 ation of these women and children, and is that not
24 the reason why lifeboats became unavailable later?

25 A I wouldn't say that at all. We could hear,

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1 in the holds, the sound of boats, apparently launches
2 -- that putt-putt sound that you'll get from a light
3 launch -- approaching the Oryoku Maru at about two
4 o'clock in the morning. Now, whether they sup-
5 plemented the lifeboats with these launches or used
6 the launches entirely, I can't say.

7 Q When this ship was sunk, was not food and
8 clothing sent from Manila to Subic Bay by automo-
9 bile in order to aid the people who had evacuated
10 from this ship?

11 A In the first place, the Oryoku Maru was not
12 sunk; and it was subsequently bombed when the prison-
13 ers had been removed and ammunition exploded, and it
14 burned. But it was in no danger of sinking so far as
15 I could ascertain at the time we evacuated it. Now,
16 as for food, I have testified that we received one
17 tablespoon of uncooked rice after the third day and
18 that that was the total ration that we were allowed
19 daily as long as we stayed at Olongapo.

20 Q Was not Olongapo a small town with no
21 Japanese garrison and with no facilities for food
22 and other supplies?

23 A The naval reservation at Olongapo was
24 garrisoned by Japanese troops. Olongapo --

25 Q Were there billeting facilities?

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1 A At Olongapo? Certainly. That is, at the --
2 correction: at the naval reservation.

3 Q How long did it take to go from Manila to
4 Subic Bay -- to Olongapo and Subic Bay, considering
5 the transportation situation of those days? Would
6 you say it would take about two days?

7 A No. From -- I've driven from Manila to
8 Olongapo on several occasions in jeeps, passenger
9 cars and trucks. I would say at the most it is a
10 five-hour ride.

11 Q Did not the Americans carry out severe
12 bombings of the area at the time, and were not
13 transportation facilities very bad?

14 A American planes were bombing during the
15 daytime in the Philippine area. However, you can
16 run convoys at night, and one truckload of supplies
17 would have helped us immeasurably.

18 Q Then when you testified that Lieutenant
19 UKI reached Olongapo on the third day, do you be-
20 lieve that he was delayed very much or do you con-
21 sider that natural in the light of the situation at
22 the time?

23 A I consider it natural. I don't believe
24 that the Japanese authorities were very much con-
25 cerned about our welfare.

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1 Q Did Lieutenant UKI enjoy a good reputation
2 among prisoners-of-war since your Davao days?

3 A Lieutenant UKI was pretty well thought of
4 at Davao, all in all considered; I mean in com-
5 parison with the others.

6 Q I may not have -- this may be repititious,
7 but how long did it take from the time the Oryokko
8 Maru was bombed to the time you actually evacuated
9 the ship?

10 A About forty minutes, I believe. I hope
11 I've got your question straight. We were told
12 that we could evacuate the ship shortly -- this
13 was after she had been bombed on the 15th; and after
14 the bomb hit the ship, approximately forty minutes
15 later we started to evacuate the vessel.

16 Q What I wish to ask you was the time con-
17 sumed since the ship left port to the time you
18 actually evacuated the ship.

19 THE MONITOR: In other words, the actual
20 sailing time of the ship.

21 A Right. We left Manila about two o'clock
22 in the morning of the 14th. We evacuated the
23 Oryoku Maru at approximately ten o'clock the morning
24 of the 15th.
25

THE PRESIDENT: We had that already. Are

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1 you likely to be much longer?

2 MP. S. OKAMOTO: I will only take one more
3 minute.

4 THE PRESIDENT: Will there be any further
5 cross-examination?

6 We will adjourn now until half-past nine
7 tomorrow morning.

8 (Whereupon, at 1602, an adjourn-
9 ment was taken until Friday, 13 December
10 1946, at 0930.)

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